APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,323	01/24/2001	David Meiri	07072-127001	3938

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EXAMINER
BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
2457	

NOTIFICATION DATE	DELIVERY MODE
03/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

	Application No.	Applicant(s)	
Office Action Summary	09/768,323	MEIRI, DAVID	
	Examiner	Art Unit	
	BARBARA N. BURGESS	2457	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 November 2008</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-9</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to amendment filed November 21, 2008. Claims 1-9

are presented for further examination.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-9 are rejected under 35 U.S.C. 101 as not falling within one of the four

statutory categories of invention. While the claims recite a series of steps or acts to be

performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular

machine, or (2) transform underlying subject matter (such as an article or material) to a

different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant

claims are neither positively tied to a particular machine that accomplishes the claimed

method steps nor transform underlying subject matter, and therefore do not qualify as a

statutory process.

The method of posting a message on a message list including steps of selecting a new-

message slot, placing message in said new-message slot, and modifying new-message

slot is broad enough that the claim could be completely performed mentally, verbally or

without a machine nor is any transformation apparent.

Claim Rejections - 35 USC § 102

1.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.　　Claims 1, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chou et

al. (US Patent 5,905,897).

　　　As per claim 1, Chou discloses a method for posting a message on a message

list accessible to a plurality of processors, said method comprising:

- Selecting a new-message slot (column 3, lines 3-5, 11-16, column 4, lines 42-45, 66-

  67; The interrupt controller has pending registers in which interrupt requests are

  stored);

- Placing said message in said new-message slot (column 5, lines 30-40; Interrupt

  requests are placed in the pending registers of the interrupt controller).

- Modifying said new-message slot to specify an intended recipient of said message,

  said intended recipient being selected from said plurality of processors (column 3,

  lines 11-16, column 4, lines 50-60, column 5, lines 3-6, 52-64; The destination

  register, vector register, and priority register associated with the interrupt requests

  specifies the processor that the interrupt request is intended).

As per claim 7, Chou discloses the method of claim 1 further comprising updating a message directory to indicate the presence of said new-message slot in said message list, said message directory being accessible to said plurality of processors (column 4, lines 66-67, column 5, lines 1-20).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2-6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al. (US Patent 5,905,897) in view of Xie et al. (hereinafter "Xie", US Patent 6,662,213 B1).

As per claim 2, Chou does not explicitly discloses the method of claim 1 further comprising inserting said new-message slot into said message list, said message list including a first existing-message slot having a pointer to a second existing-message slot.

However, Xie teaches pointers to mask positions to identify the next or current message (column 8, lines 64-67, column 11, lines 7-9, 55-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Xie's pointer in Chou's method in order to identify the next or current message.

As per claim 3, Chou does not explicitly discloses the method of claim 2 wherein inserting said new-message slot into said message list comprises setting a first pointer on said new-message slot to point to said first existing-message slot and a second pointer on said new-message slot to point to said second existing message-slot. However, Xie teaches pointers to mask positions to identify the next or current message (column 8, lines 64-67, column 11, lines 7-9, 55-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Xie's pointer in Chou's method in order to identify the next or current message.

As per claim 4, Chou does not explicitly discloses the method of claim 3 wherein inserting said new-message slot into said message list further comprises setting said pointer associated with said first existing-message slot to point to said new-message slot.

However, Xie teaches pointers to mask positions to identify the next or current message (column 8, lines 64-67, column 11, lines 7-9, 55-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Xie's pointer in Chou's method in order to identify the next or current message.

As per per claim 5, Chou does not explicitly disclose the method of claim 1 wherein modifying said new-message slot to specify an intended recipient comprises modifying a destination mask associated with said new-message slot, said destination mask including information specifying all intended recipients of said message. However, Xie teaches pointers to mask positions to identify the next or current message (column 8, lines 64-67, column 11, lines 7-9, 55-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Xie's pointer in Chou's method in order to identify the next or current message.

As per claim 6, Chou does not explicitly disclose the method of claim 5 wherein modifying said destination mask comprises

- Selecting, from a plurality of constituent data-elements of said destination mask, each of said constituent data-elements corresponding to one of said processors from said plurality of processors, a selected data-element corresponding to a selected processor;

- Modifying said selected data-element to indicate that said selected processor is an intended recipient.

However, Xie teaches pointers to mask positions to identify the next or current message (column 8, lines 64-67, column 11, lines 7-9, 55-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Xie's pointer in Chou's method in order to identify the next or current message.

As per claim 8, Chou does not explicitly disclose the method of claim 7 wherein updating said message directory comprises updating an attention mask containing information indicative of which processors from said plurality of processors are intended recipients of messages contained in said message list.

However, Xie teaches pointers to mask positions to identify the next or current message (column 8, lines 64-67, column 11, lines 7-9, 55-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Xie's pointer in Chou's method in order to identify the next or current message.

As per claim 9, Chou does not explicitly discloses the method of claim 7 wherein updating said attention mask comprises:

- Selecting from a plurality of constituent data-elements of said attention mask, each of said constituent data-elements corresponding to one of said processors from said plurality of processors, a selected data-element corresponding to a selected processor;

- Modifying said selected data-element to indicate existence of a new message for
  which said selected processor is an intended recipient.

However, Xie teaches pointers to mask positions to identify the next or current message
(column 8, lines 64-67, column 11, lines 7-9, 55-60).

   Therefore, one of ordinary skill in the art at the time the invention was made
would have found it obvious to implement or incorporate Xie's pointer in Chou's method
in order to identify the next or current message.

Response to Arguments

5.   Applicant's arguments have been considered but are moot in view of the new
ground(s) of rejection.

Conclusion

   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to BARBARA N. BURGESS whose telephone number is
(571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Barbara N Burgess/   Barbara N Burgess
Examiner, Art Unit 2457   Examiner
                                                       Art Unit 2457
March 13, 2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457